

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

ALADDIN MOROC BEY, *et al.*,

Plaintiffs,

Case No. 3:20-cv-66

vs.

J.S. HUBER, *et al.*,

District Judge Thomas M. Rose
Magistrate Judge Michael J. Newman

Defendants.

**REPORT AND RECOMMENDATION¹ THAT THIS CASE BE: (1) DISMISSED
WITHOUT PREJUDICE FOR FAILURE TO PROSECUTE; AND (2) TERMINATED
ON THE COURT'S DOCKET**

On April 14, 2020, the undersigned ordered *pro se* Plaintiffs to show cause, in writing and within 14 days from the entry of that Order, as to why they should be permitted to proceed in this case *in forma pauperis* ("IFP"). Doc. 4. In lieu of showing cause, Plaintiffs were informed that they could, instead, pay the required \$400.00 filing fee with the Clerk of Court. *Id.* Finally, Plaintiffs were notified that failure to show cause or pay the required filing fee as directed may result in a dismissal of the case for failure to prosecute. *Id.*

Plaintiffs have neither responded to the Court's Show Cause Order nor paid the required filing fee, and the time for doing so has now expired. Accordingly, the undersigned **RECOMMENDS** that this case be: (1) **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute; and (2) **TERMINATED** on the Court's docket.

Date: May 4, 2020

s/ Michael J. Newman
Michael J. Newman
United States Magistrate Judge

¹ Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendation.

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within **FOURTEEN** days after being served with this Report and Recommendation. This period is not extended by virtue of Fed. R. Civ. P. 6(d) if served on you by electronic means, such as via the Court's CM/ECF filing system. If, however, this Report and Recommendation was served upon you by mail, this deadline is extended to **SEVENTEEN DAYS** by application of Fed. R. Civ. P. 6(d). Parties may seek an extension of the deadline to file objections by filing a motion for extension, which the Court may grant upon a showing of good cause.

Any objections filed shall specify the portions of the Report and Recommendation objected to, and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based, in whole or in part, upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs.

A party may respond to another party's objections within **FOURTEEN** days after being served with a copy thereof. As noted above, this period is not extended by virtue of Fed. R. Civ. P. 6(d) if served on you by electronic means, such as via the Court's CM/ECF filing system. If, however, this Report and Recommendation was served upon you by mail, this deadline is extended to **SEVENTEEN DAYS** by application of Fed. R. Civ. P. 6(d).

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140, 153-55 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).